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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR 11-00138 SBA
)	
Plaintiff,)	STIPULATION AND ORDER
)	CONTINUING COMPETENCY
vs.)	HEARING
)	
LUIS CARDENAS MORFIN,)	
)	
Defendant.)	
_____)	

The parties in the above-captioned case, by and through their counsel of record, hereby stipulated, agree, and jointly request that the hearing to determine the Defendant's competency be continued from September 27, 2011 to October 25, 2011, at 11:00 a.m., that the report required under 18 U.S.C. § 4247(c) be filed with the Court at least seven (7) days prior to the hearing, and that the parties' response to the report be filed no later than two (2) days thereafter. This continuance is necessary to accommodate the schedules of government

1 counsel and defense counsel, as government counsel is not available on September 27, 2011
2 and the next date that is available for both counsel and the Court is October 25, 2011.

3 The parties also stipulate, agree, and jointly request that all time between September 2,
4 2011, and October 25, 2011, should be excluded under 18 U.S.C. §§3161(h)(1)(A), (h)(7)(A)
5 and (h)(7)(B)(iv), as delay resulting from the need to conduct an examination and the
6 appropriate proceedings to determine the mental competency of the defendant, and because the
7 ends of justice served by the granting of the continuance outweigh the best interests of the
8 public and the defendant in a speedy and public trial in that denial of the continuance would
9 unreasonably deny the government or the defendant continuity of counsel.

10
11 Date 09/02/11

/s/
David Kelvin, Esq.
Counsel for defendant MORFIN

12
13
14 Date 09/02/11

/s/
Karen Beausey
Assistant United States Attorney

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17 I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/)
18 within this efiled document.

/S/ Karen Beausey
Counsel for the United States


ORDER

Based upon the request of the parties, and good cause appearing, IT IS HEREBY ORDERED that the hearing to determine the Defendant's competency is CONTINUED from September 27, 2011, to October 25, 2011 at 11:00 a.m. The report required under 18 U.S.C. § 4247(c) shall be filed with the Court at least seven (7) days prior to the hearing, and the parties' response to the report shall be filed no later than two (2) days thereafter.

IT IS FURTHER ORDERED that the time between September 27, 2011, and October 25, 2011, should be excluded under 18 U.S.C. §§3161(h)(1)(A), (h)(7)(A) and (h)(7)(B)(iv), as delay resulting from the need to conduct an examination and the appropriate proceedings to determine the mental competency of the defendant, and because the ends of justice served by the granting of the continuance outweigh the best interests of the public and the defendant in a speedy and public trial in that denial of the continuance would unreasonably deny the government or the defendant continuity of counsel.

IT IS SO ORDERED.

9/6/11
Date


HON. SAUNDRA BROWN ARMSTRONG
UNITED STATES DISTRICT COURT JUDGE